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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,505	09/29/2003	Chenhua You	228204US25	8176
22850	7590	11/16/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LEE, Y MY QUACH	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H9

Office Action Summary

Application No.

10/671,505

Applicant(s)

YOU ET AL.

Examiner

Lee Y Quach

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 22 is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☒ Claim(s) 2-6, 8-17 and 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Request Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 9, 2005 has been entered.

Response to Arguments

2. Applicant's arguments filed August 9, 2005 with respect to the reference of Barclay have been fully considered but they are not persuasive. Applicant argues that Barclay does not disclose or suggest the same light source that outputs light through a lens also has a portion of its output light captured by a collection optic and which captured light is then output to a side of the light device. Instead, as shown in Figure 3, Barclay discloses a separate light source (14) to output light in the side direction through the side light lens (16). It should be noted that applicant's attention is directed to drawing figure 2 of Barclay which shows that only one light source output light through a lens also has a portion of its output light captured by a collection optic (16) and this captured light is then output to a side of the light device. Barclay does disclosure the features as claimed. Accordingly, rejection of claims 1 and 7 in view of Barclay maintain and follows. Claims 1 and 7 are also rejected in view of the newly discovered reference to Kurtz. Rejection based on the newly cited reference follows.

Claim Objections

3. Claims 1 to 6, 9 to 11, 13 to 17 and 19 to 21 are objected to because of the following informalities: In claim 1, line 6, the term "each" should be inserted before the term "having" in view of the language "a light output surface" and "collection optics (plural)". In claim 3, line 2, the term "an" should be changed to --the-- in view of "a light output surface" as recited in claim 1. In claim 4, the term "collection" should be changed to --collecting--. Note "a collecting surface" on line 2 of claim 3. Claims 2, 5 and 6 depend on objected claim 1 and as such are also objected. In claim 9, lines 2 to 3, the term "an output surface means" should be changed to --the output surface--. Note "a light output surface" as recited in claim 7. In claim 10, the term

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“collection” should be changed to --collecting--. Note “a collecting surface” on lines 2 to 3 of claim 9. Claim 11 depends on objected claim 9 and as such is also objected. In claim 13, line 7, the term “each” should be inserted before the term “having” in view of the language “a light output surface” and “collection optics” (plural). In claim 14, the term “an” should be changed to --the-- in view of “a light output surface” as recited in claim 13. In claim 15, the term “collection” should be changed to --collecting--. Note “a collecting surface” on line 2 of claim 14. Claims 16 and 17 depend on objected claim 13 and as such are also objected. In claim 19, the term “an” should be changed to --the-- in view of “a light output surface” as recited in claim 18. In claim 20, the term “collection” should be changed to --collecting--. Note “a collecting surface” on line 2 of claim 19. Claim 21 depends on objected claim 19 and as such is also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Barclay.

Barclay shows a light device comprising light source means (figure 2) for generating a majority of light in a primary direction toward a front of the light device, lens means (figure 2) through which the light generated from the light source means passes, and collection means (16) for capturing a portion of the light generated from the light source means and having a light output surface at a side of the light device for outputting the captured light in a direction other than the primary direction toward the side of the light device (figure 1).

6. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Kurtz.

Kurtz shows a light device (13) comprising light source means (27) for generating a majority of light in a primary direction toward a front of the light device, lens means (53) through which the light generated from the light source means passes, and collection means (51, 52) for capturing a portion of the light generated from the light source means and having a light output surface at a side of the light device for outputting the captured light in a direction other than the primary direction toward the side (14, 15) of the light device.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay.

Barclay shows a light device comprising a light source (figure 2) to generate a majority of light in a primary direction toward a front of the light device, a lens device (figure 2) through which the light generated from the light source means passes, and collection optic (16) to capture a portion of the light generated from the light source and having a light output surface at a side of the light device to output the captured light in a direction other than the primary direction toward the side of the light device (figure 1). However, Barclay does not disclose that the light source is a light emitting diode and collection optics as opposed to a collection optic.

Note that it is old and well known that incandescent, fluorescent and light emitting diode light sources are interchangeable and/or can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains to use the light emitting diode in place of the light source of Barclay to not only enhance reliability and longevity of the light source but also to reduce power consumption. It would have also been obvious to one skilled in the art to include Barclay with plural collection optics for the purpose of simply providing a greater number of warning indicators to enhance the warning effects.

9. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtz.

Kurtz shows a light device (13) comprising a light source (27) to generate a majority of light in a primary direction toward a front of the light device, a lens device (53) through which the light generated from the light source means passes, and collection optics (51, 52) to capture a portion of the light generated from the light source and each having a light output surface at a side of the light device to output the captured light in a direction other than the primary direction toward the side (14, 15) of the light device. However, Kurtz does not disclose that the light source is a light emitting diode.

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Note that it is old and well known that incandescent, fluorescent and light emitting diode light sources are interchangeable and/or can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains to use the light emitting diode in place of the light source of Kurtz to not only enhance reliability and longevity of the light source but also to reduce power consumption.

10. Claims 2 to 6, 9 to 11, 13 to 17 and 19 to 21 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

11. Claims 8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 18 and 22 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2737. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
November 8, 2005



Y Quach Lee
Primary Examiner
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